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EASTERN DISTRICT OF TEXAS

| JEFFREY D. WESTBROOK, | § | |
|---------------------------|--------|-----------------------------|
| Plaintiff, | 8 8 | |
| versus | § § | CIVIL ACTION NO. 1:02-CV-21 |
| DAVID A. DOUGHTY, et al., | § § | |
| Defendants. | § § | |

MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Jeffrey D. Westbrook, an inmate confined at the Robertson Unit, proceeding *pro se*, brought this lawsuit pursuant to 42 U.S.C. § 1983 against prison officials.

The court referred this matter to a United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends the defendants' motion for summary judgment be granted.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b).

After careful consideration, the court concludes plaintiff's objections are without merit.¹ Plaintiff has failed to establish a violation of his constitutional rights by the defendants. Further, plaintiff has failed to overcome the defendants' assertion of qualified immunity because their actions were objectively reasonable when taken. The competent summary judgment evidence included notification from the United States Postal Inspection Service of possible violations of

#110 (N.D. Tex. Aug 22, 2005).

Plaintiff also filed numerous exhibits and notices throughout this litigation in which he attempts to bring to the attention of the court acts not relevant to the dates and claims asserted in the live complaint in this action. As the United States District Court for the Northern District of Texas noted when dismissing similar claims asserted in that court, it appears plaintiff's situation is one of his own making due to his prior abuses, poor institutional adjustment, and history of threatening to kill officers. See Westbrook v. Treon, Civil Action No. 7:02cv222,

federal law, as well as past threats and written obscenities regarding plaintiff's use of the mail. Additionally, plaintiff has an institutional history of disciplinary violations, violations of prison policy, threatening officers, and destroying legal materials. As a result, the defendants took necessary measures against plaintiff which were reasonably related to penological interests.

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. Further, the exercise of supplemental jurisdiction is **DECLINED** pursuant to Title 28 U.S.C. § 1367(c). A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 21st day of January, 2016.

MARCIA A. CRONE UNITED STATES DISTRICT JUDGE

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